



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Stashenko *et al.*

SERIAL NUMBER: 10/734,692

EXAMINER: Gyan Chandra

FILING DATE: December 11, 2003

ART UNIT: 1646

FOR: EXPRESSED GENES THAT DEFINE THE OSTEOCLAST PHENOTYPE

**MAIL STOP SEQUENCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

April 18, 2007

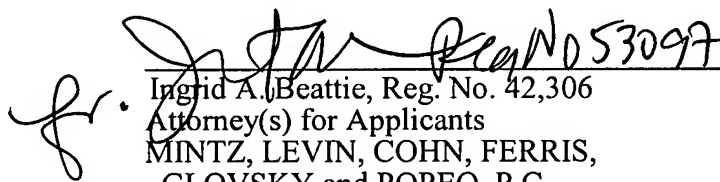
Boston, Massachusetts

**RESPONSE TO NOTICE TO COMPLY**

In response to the Notice to Comply (the "Notice") mailed October 18, 2006, Applicants submit herein electronic and paper copies of the substitute Sequence Listing (1 disk, 33 pages), a Statement in Support of Computer Readable Form Submission (1 page), a Preliminary Amendment (3 pages), a copy of the Notice to Comply (3 pages), a Petition for a Five-Month Extension of Time (1 page), and check in the amount of \$1080.00 (Check No. 24073) to cover the extension fee.

Applicants believe no additional fees are due in connection with this timely filing. Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 25669-003.

Respectfully submitted,

  
Ingrid A. Beattie, Reg. No. 42,306  
Attorney(s) for Applicants  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
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Express Mail Label No.: EV923355899US

Date of Deposit: April 18, 2007

Attorney Docket No.: 25669-003

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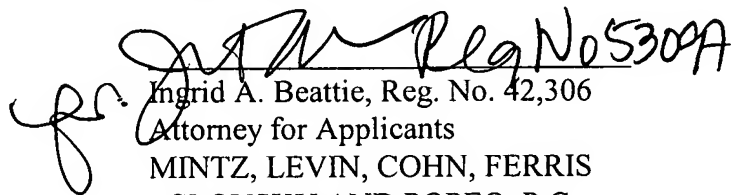
**TRANSMITTAL LETTER**

Enclosed herewith for filing in the above-identified application please find the following documents:

1. Response to Notice to Comply (1 page);
2. Copy of Notice to Comply (3 pages);
3. Petition for Extension of Time (1 page);
4. Check No. 24073 in the amount of \$1,080.00 to cover the Extension fee;
5. Preliminary Amendment (3 pages);
6. Sequence Listing – Paper Copy (33 pages);
7. Sequence Listing, Computer Readable Form (1 Disk);
8. Statement in Support of Computer Readable Form Submission (1 page);
9. Return Postcard.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 25669-003. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

  
Ingrid A. Beattie, Reg. No. 42,306  
Attorney for Applicants

MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY AND POPEO, P.C.

Tel: (617) 542-6000

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Customer No. 30623



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,692	12/11/2003	Philip Stashenko	25669-003	4324

7590 10/18/2006

Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111

EXAMINER

CHANDRA, GYAN

ART UNIT

PAPER NUMBER

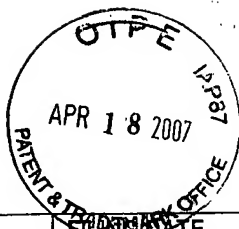
1646

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Done By
<input type="checkbox"/> Data Entry	<u>JD</u>
<input type="checkbox"/> Docket Entry	<u>10/18/06</u>
<input type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req	<u>4/18/07</u>
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	<u>PAO</u>

MINTZ LEVIN, BOSTON  
PATENT DOCKET DEPT.  
OCT 20 2006

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO. 10734,692	FILING DATE 12/11/2003	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Stashenko et al.	ATTORNEY DOCKET NO. 25669-003
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EXAMINER Chandra, Gyan
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ART UNIT 1646	PAPER 20061005
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner for Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Claim 1 recites inhibiting activity of a gene product encoded by OC14 comprising the nucleotide sequence of SEQ ID NO: 50. The SEQ ID NO: 50 is not included in the CRF listing filed on 3/11/2005.

APPLICANT IS GIVEN A **ONE MONTH** EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:


1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/efc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. Mailed to:  
Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313-1450  
Alexandria, VA 22313-1450  
Arlington, Virginia 22202
3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
U. S. Patent and Trademark Office  
Box Sequence, Room 1B03-Mailroom  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.
4. Hand Carried directly to the Customer Window at:  
U. S. Patent and Trademark Office  
Box Sequence, Customer Window, Lobby, Room 1B03  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gyan Chandra whose telephone number is (571) 272-2922. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gyan Chandra, Ph.D.  
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REM 4C19  
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EILEEN B. O'HARA  
PRIMARY EXAMINER